October 1, 1996

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Mr. William F. Caton - Acting Secretary
Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Grandfathered Short-Spaced FM Stations
(MM Docket No. 96-120, RM-7651)

Dear Mr. Caton:

Enclosed please find the original and nine copies of our **Reply Comments** on the Notice of Proposed Rule Making on MM Docket No. 96-120.

Sincerely,

Richard L. Harvey

9 enclosures

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before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Grandfathered Short-Spaced	)	MM Docket No. 96-120
FM Stations	)	RM-7651

To: The Commission

REPLY COMMENTS ON THE NOTICE OF PROPOSED RULE MAKING

The Commission in the subject Notice of Proposed Rule Making proposes to lift restrictions that unnecessarily impede flexibility as to site selection for one category of grandfathered short-spaced FM station. In our comments, WTUC had requested that the Commission include the currently grand-fathered Class A FM stations (3000 watts ERP and 100 meters antenna HAAT) that became short spaced as of October 1, 1989("1989-grandfathered Class A stations") in the proposed rule changes pertaining to second-adjacent-channel and third-adjacent-channel protection criteria.

In our comments, we also stated that section 73.215 of the rules fails to provide any site flexibility for 1989-grandfathered Class A stations with regard to second-adjacent and third-adjacent channels to other Class A stations. Section 73.215e specifies a *minimum* distance separation that is *greater* than the original rules under which these

stations were authorized. We also stated that the technical reasons for the proposed rule changes also apply to 1989-grandfathered Class A stations.

We note in these reply comments that almost all of the comments filed[1] on this subject were supportive of the elimination of second-adjacent and third adjacent channel spacing requirements. Comments were also filed that support expanding the rule change to more classes of grandfathered stations. Comments filed by Mullaney Engineering, Gallagher and Associates, and E. Harold Munn, Jr. & Associates, Livingston Radio Company, and Jarad Broadcasting Company ask that the second-adjacent and third adjacent channel separation requirements be eliminated for various situations where Class A stations that have become grandfathered due to changes in the Commission's rules since 1964[2].

Signal to Interference Ratios

[1] Eleven Fifty Corp. has filed comments opposing some changes to the second-adjacent and third-adjacent spacing requirements. Eleven Fifty Corp. stated that they are currently receiving second-adjacent interference on a highway in Baldwin Hills. However, Eleven Fifty Corp. did not provide any engineering or measurement data. They stated that the location is "within two miles" of the interfering transmitter site and that this is causing "dropouts" of their signal. This analysis is far too incomplete to conclude that the source of the problem is second-adjacent interference. The term "dropout" implies loss of signal as opposed to interference from a signal. They did not state that crosstalk or replacement of their signal by the interfering signal occurs.

[2] Some commenters stated that the Class A to Class B second-adjacent and third-adjacent distance separations which cause some stations to be grandfathered in 1984 need to be eliminated, where as, the comments filed by WTUC and some others address the second-adjacent and third-adjacent distance separations which changed in 1989 and allowed some Class A stations to upgrade to 6000 watts while others became grandfathered.

Some of the commenters discuss the use of **Signal to Interference Ratios ("S/I")** to determine the potential of second-adjacent and third adjacent channel interference[3]. The result of using S/I ratio analysis is that when stations that are offset by either two or three channels are located closer together, the potential of second-adjacent and third adjacent channel interference is less because of the improved the S/I ratios and the fact that the undesired to desired signal ratio must be quite high to result in a problem. The current rules do not reflex this fact. In some cases, the rules increase the potential of second-adjacent and third-adjacent channel interference (along with all other types of interference) by requiring stations to reduce their transmitted power.

Similar to Blanketing Interference

Many of the commenters agreed with the Commission that potential second-adjacent and third-adjacent channel interference occurs in a small area nearby the transmitter. This is similar to the area where blanketing interference occurs. Also like blanketing interference, the second-adjacent and third-adjacent interference potential is very dependent on the receiver used; moreover the blanketing effect is much more likely to occur than second-adjacent and third-adjacent interference, as the commission has noted in the notice it has not received complaints specific to second-adjacent and third-adjacent interference. We have concluded and suggest to the Commission that second-

[3] Renard Communications Corp., Campus Radio of San Diego and de Treil, Lundin &Rackley, Inc. for Compass. The de Treil, Lundin & Rackley comments describes the concept well and cites examples from Memphis TN, Miami FL , Greenville SC, Washington DC and Tijuana MX.

adjacent and third-adjacent channel interference is similar to blanketing interference and could be handled the same way.

Public Interest

WTUC has been seeking local zoning approvals for its transmitter/tower site for the last three years. There are no towers or high structures in the areas which we can locate that meet the grandfathered rules for 3000 watt Class A stations. Section 73.215 fails to provide relief since WTUC has second-adjacent Class A channels both to the northeast and south. We have encountered considerable opposition from some members of the public and also from township officials who oppose our proposed tower. The local Zoning Board hired its own communications consultant to study the rules in section 73.207 and 73.215. There was disbelief on the part of the local board and public that the Commission's rules would allow flexibility in some directions but not others[4]. This has been a costly process for WTUC and has delayed a timely introduction of service to the Bass River, Tuckerton, Little Egg Harbor Area. WTUC would be providing the first local radio service to these communities.

The second-adjacent and third-adjacent separation requirements have prevented WTUC from utilizing existing towers that would otherwise meet the Commission's rules. Since the potential for second-adjacent and third-adjacent channel interference is small

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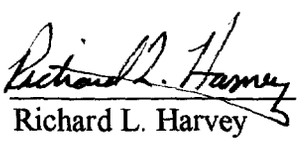
[4] WTUC's site is also short spaced to a Class B adjacent channel and is utilizing a directional antenna to the west. In this one direction only, section 73.215 provides WTUC some site flexibility.

(and is actually less when stations locate closer to each other) and utilizing existing towers whenever possible is desirable from a community planning viewpoint, it is clearly in the public interest that the commission eliminate the second-adjacent and third-adjacent channel spacing requirements for all grandfathered Class A stations.

Respectfully submitted,



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